

SERVED AUGUST 11, 2021

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

**ORAL ARGUMENT
REQUESTED**

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JAMES BENBOW,

Plaintiff,

-against-

NOTICE OF MOTION

17-CV-06457 (EK) (JRC)

THE CITY OF NEW YORK, POLICE OFFICER BRIAN
FEELEY, POLICE OFFICER MATTHEW ROSIELLO,
POLICE OFFICER KENNETH ANDERSON,
SERGEANT WILLIAM DIAB, DETECTIVE SHANIEL
MITCHELL, AND POLICE OFFICER STEPHEN
MINUCCI,

Defendants.
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PLEASE TAKE NOTICE that upon the annexed Local Civil Rule 56.1 Statement, dated August 11, 2021; the Declaration of Christopher D. DeLuca, dated August 11, 2021 and the exhibits annexed thereto; the accompanying Memorandum of Law in Support of Defendants' Motion for Summary Judgment, dated August 11, 2021; and upon all prior pleadings and proceedings had herein, defendants City of New York, Police Officer Kenneth Anderson, Sergeant William Diab, Police Officer Brian Feeley, Police Officer Stephen Minucci, Detective Shaniel Mitchell, and Police Officer Matthew Rosiello will move this Court before Eric R. Komitee, United States District Judge, at the United States Courthouse for the Eastern District of New York, located at 225 Cadman Plaza East, Brooklyn, New York 11201, on a return date to be set by the Court, for summary judgment pursuant to Rule 56 of the Federal Rules of Civil Procedure on the grounds that no genuine issue of material fact exists to warrant a trial, and for such other and further relief as the Court deems just and proper.

PLEASE TAKE FURTHER NOTICE that plaintiff's oppositions shall be served by September 15, 2021; and defendants' reply, if any, shall be served by October 1, 2021.

Dated: New York, New York
August 11, 2021

GEORGIA M. PESTANA
Corporation Counsel of the City of New York
Attorney for Defendants City of New York, Police Officer Kenneth Anderson, Sergeant William Diab, Police Officer Brian Feeley, Police Officer Stephen Minucci, Detective Shaniel Mitchell, and Police Officer Matthew Rosiello
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By:



Christopher D. DeLuca
Senior Counsel
Special Federal Litigation Division

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